

**REMARKS**

Claims 1-45 are present in this application. Claims 1, 17, 20, 36 and 44 are independent. Claims 36-44 have been withdrawn. Claim 45 has been added in order to emphasize an aspect of the invention that is covered by claim 1.

**35 USC 102(e) – Alkove**

Claims 1-13, 15, 17-32, and 34 remain rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Application Publication 2004/0143760 (Alkove).

**Summary of the invention**

According to the present specification (see U.S. Application Publication 2007/0124251), content 101 and a license can be stored in a relationship, as shown for example in Fig. 32. In this conventional relationship, the content is divided into several contents and the license is divided into licenses. The content and license are associated with each other via file management data and auxiliary file management data.

Further according to the present specification, in digital broadcasting, a Transport Stream obtained by multiplexing MPEG-2 Elementary Streams (ESs) is transmitted with use conditions of each ES. In one alternative approach, the use conditions of the streams having digital broadcasting recorded therein can only be recognized by reproducing the stream. In another alternative approach, use conditions such as copyright information is extracted from the stream and recorded separately so that it can be read without first reproducing the stream. (“Background of the Invention”)

Applicants have found that these conventional approaches do not allow different use conditions to be set up for each part making up the content, or for each of ESs making up the streams or for each of component groups each consisting of some grouped ESs. Thus, it is not possible, when editing content to make new content, to assign to parts constituting the new content the original use conditions. (“Problems to be Solved by the Invention”)

Applicants provide a solution in which an input control unit 11a accepts operation information inputted from an operation input unit 16, and acquires a partial content that holds a license information from any one or more external recording medium, server, and digital broadcasting network connected to an input-output interface 13 (paras. 0124, 0125, hereinafter referred to as the “holds” feature).

Applicants’ solution further includes a license generation unit 11b that integrates the contents, C1, C2, into a single content C12, assigns respective license information L1, L2 to the content C1, C2, and collects the assigned respective license information to generate single license information, license L12 (para. 0126, hereinafter referred to as the “assigning” feature).

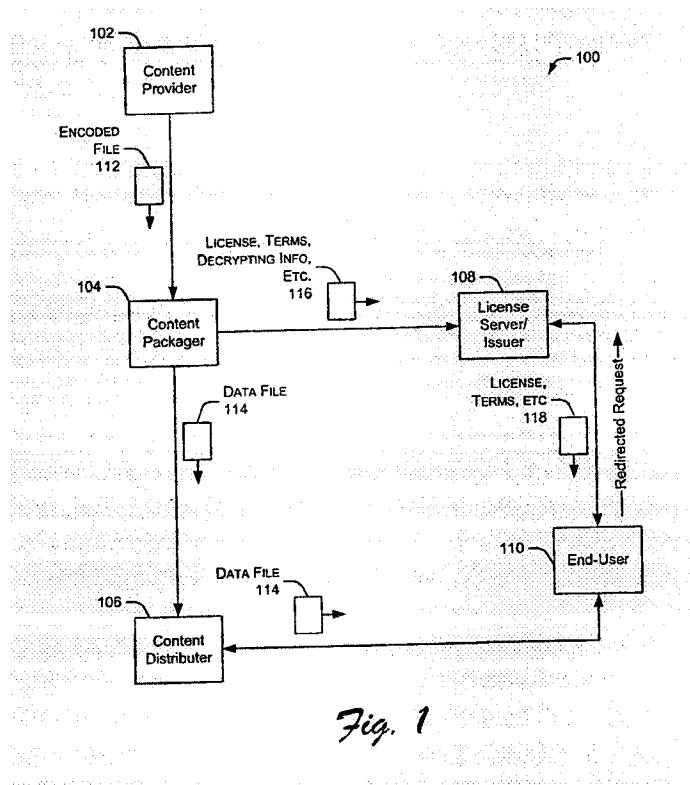
### Alkove

Alkove discloses an invention that provides Digital Rights Management (DRM) for respective portions of a digital content package (“Technical Field”). Alkove addresses a problem where existing DRM techniques and encoded data file formats do not allow the content owner to respectively differentiate the licensing value of one file data portion from another file data portion (“Background” at para. 0004).

Alkove discloses methods to license combinations of one or more data streams from an encoded file including multiple data streams. A header is generated to specify a first group of one or more data streams for licensing independent from a second group of one or more data streams. A number of business rules are identified to indicate respective licensing strategies for the data streams in the first and second groups. A data file is generated with the header and an encrypted version of the encoded data. (see “Summary”).

In a concrete example (Fig. 4; see also Fig. 1 reproduced below), Alkove discloses a procedure in which a content packager 104 receives encoded digital media file 112. The content packager 104 arranges individual ones of multiple data streams from the encoded file into one or more groups for licensing. The content packager 104 specifies business rules (license terms 116) to license the grouped data streams. The content packager 104 encrypts the encoded media file with a header that indicates grouped data streams, thereby generating data file 114. The data file

114 is communicated to content distributor 106 for distribution to an end-user. The business rules 116 are communicated to a license issuer 108. (paras. 0040-0042).



### Differences over Alkove

(Claimed “Holds” feature)

The Examiner alleges that Alkove teaches that: “...Alkove provides DRM technique that allows encoded data portions of a file to be separately licensable and combined at the receiving end user device” (Office Action at page 2). The Examiner particularly refers to paragraphs 0018 and 0034 of Alkove.

According to paragraph 0018, the content packager 104 allows a content owner to group one or more data streams in an encoded file 112 for licensing as one or more groups to end-user. Alkove discloses that packaging can be specified for multiple independent groups. Each group of the multiple independent groups is separately licensable.

According to paragraph 0034, the DRM method enables a content owner to license respective portions of a single content package.

In other words, the Examiner's position regarding the claimed "Holds" feature is that a separately licensable independent group of streams of Alkove constitutes a partial content that holds license information containing a unique use condition. Applicants disagree.

Applicants submit that one of ordinary skill in the art would understand that a "licensable" group does not constitute content that holds "license information containing a unique use condition." In fact, as can be seen in Fig. 1, license 116 is transmitted separately from the data file 114.

(Claimed "assigning" feature)

With respect to the claimed "generating single license information by collecting the assigned respective license information," the Examiner alleges that Alkove teaches that the receiving end license 118 provides end user 110 with access to the licensed portions of the data file 114. In other words, it is the Examiner's position that license 118 of Alkove constitutes the claimed single license information that is a collection of license information for respective licensable groups for portions of a single content package.

According to the example in Fig. 4 (para. 0041 of Alkove), at step 404 the content packager arranges ones of multiple data streams from the encoded file into one or more groups for licensing. At step 408, the content packager encrypts the encoded media file with a header that indicates the grouped data streams as data file 114. At step 412, the content packager communicates the business rules to license issuer 108.

According to Alkove at paragraph 0021, the license 118 allows the end user to access one or more of the corresponding data streams in data file 114 according to the license terms. In other words, Alkove discloses a license 118 that specifies license terms for respective groups of data streams in a data file.

Applicants submit that unlike Alkove, the present invention relates to the case where partial content that is provided from a source holds license information containing a unique use condition. In other words, the claimed invention is directed to a case where original content is provided with use conditions. For example, in the claimed invention, the source that provides content is the source that provides copyright protected data.

In contrast, Alkove's encoded file 112 provided by the content provider 102, as a source, does not include license information.

In particular, Alkove relates to an intermediate content packager 104 that can specify license terms for groups of portions of an encoded file provided by a content provider. For example, as can be seen in Fig. 1 of Alkove, data file 114 is sent to a content distributor, while license terms 116 are separately sent to license server 108. Subsequently, Applicants submit that the Examiner's argument that Alkove does disclose a partial content (respective data portions) that holds license information (separately licensed portions) containing a use condition (rules) is in error (Office Action at page 3, lines 1-3). In particular, Applicants submit that "separately licensed portions" does not teach portions that contain license information, i.e., rules.

Subsequently, Applicants submit that Alkove fails to teach or suggest that partial content is provided by a "providing source" and the partial content is provided by the providing source that holds license information containing a unique use condition, as recited in claim 1.

For at least the above reasons, Applicants submit that Alkove fails to disclose each and every feature as claimed. Applicants submit that Alkove fails to disclose

a content use control device for performing use control of a content provided from a providing source of various contents to a user, comprising:

an input-output interface for connecting to providing source capable of providing a partial content that holds license information containing a unique use condition; and

license generation unit for assigning respective license information to a plurality of partial contents that are inputted via the input-output interface and that make up a collective

content and generating single license information by collecting the assigned respective license information.

Applicants request that the rejection be reconsidered and withdrawn.

**New Claim**

As disclosed in the present specification, a solution provided by the present invention is “when editing content to make new content, to assign to parts constituting the new content the original use conditions.” Claim 45 has been added as a dependent claim to emphasize this aspect of the disclosed invention. Applicants submit that at least for the reasons above for claim 1, claim 45 is patentable as well.

**CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **Robert Downs** Reg. No. 48,222 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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